

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE
(REV. 07-2004)

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES

KPO-SUN-P2/SN-79/US

DESIGNATED/ELECTED OFFICE (DO/EO/US)

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

to be assigned **10/519047**INTERNATIONAL APPLICATION NO.
PCT/JP03/08081INTERNATIONAL FILING DATE
June 26, 2003PRIORITY DATE CLAIMED
June 26, 2002

TITLE OF INVENTION

Food and Beverage Product of Stimulating Gastrointestinal Motility

APPLICANT(S) FOR DO/EO/US

SUWA, Yoshihide; FUJII, Wataru; HORI, Hisako; YOKOO, Yoshiaki; NUKAYA, Haruo; TSUJI, Kuniro

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:



1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☒ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). *(unexecuted)*
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210). *(attached to wo 2004/002928A1)*

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV485974955US
23. ☒ Other items or information:

PCT/IB/301; PCT/IB/304; PCT/IB/308; WO 2004/002978 A1; PCT/ISA/220

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/519047		INTERNATIONAL APPLICATION NO. PCT/JP03/08081		ATTORNEY'S DOCKET NUMBER KPO-SUN-P2/SN-79/US	
21. The following fees are submitted:				Applicant use	Office use only
<input checked="" type="checkbox"/> a) Basic national fee..... \$300.00				\$	
<input checked="" type="checkbox"/> b) Examination fee..... \$200.00				\$	
<input checked="" type="checkbox"/> c) Search fee..... \$500.00				\$	
TOTAL OF ABOVE CALCULATIONS = \$1000.00				\$ 1000.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
74 - 100 =	0 /50 =	0	x \$250.00	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	34 - 20 =	14	x \$50.00	\$ 700.00	
Independent claims	3 - 3 =	0	x \$200.00	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$ 360.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 2060.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 2060.00	
Amount to be refunded:					\$
Amount to be charged					\$
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>2060.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-3195</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO: Customer No. 44702					
Ostrager Chong Flaherty & Broitman P.C.					
250 Park Avenue, Suite 825					
New York, New York 10177-0899					
212-681-0600, ext. 101					
Fax 212-681-0300					
mdennis@ocfblaw.com					
				SIGNATURE	
				Manette Dennis	
				NAME	
				30,623	
				REGISTRATION NUMBER	

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): SUWA, Y. et al.

Docket No.

10/5190/7
KPO-SUMPP2/SN-20/US

Application No. PCT/JP03/081081	DEPOSIT Filing Date December 22, 2004	Examiner to be assigned	Customer No. 44702	Group Art Unit to be assigned
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Invention: FOOD AND BEVERAGE PRODUCT FOR STIMULATING GASTROINTESTINAL MOTILITY

I hereby certify that the following correspondence:

Transmittal Letter to DO/EO/US Concerning a Submission under 35 U.S.C. 371 enclosing ^{Application} 52 pages of specification, 7 pages of claims, Abstract, 14 pages of drawings (Figs. 1-20), Declaration; ~~PCT/IB/301; PCT/IB/304; PCT/IB/308;~~
~~published International Appln. No. WO 2004/002978 A1; PCT/ISA/220~~

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

December 22, 2004

(Date)

Manette Dennis

(Typed or Printed Name of Person Mailing Correspondence)


 (Signature of Person Mailing Correspondence)

EV485974955US

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

10/519047

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Docket No.
DT01 Rec'd PCT/PTC 22 DEC 2004
KPO-SUN-P2/SN-79/US

Applicant(s): SUWA, Y. et al.

Application No. PCT/JP03/081081	Deposit Filing Date December 22, 2004	Examiner to be assigned	Customer No. 44702	Group Art Unit to be assigned
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CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)D

Applicant(s): SUWA, Y. et al.

 Rec'd PCT/JP 22 DEC 2004
 Basket No.
 KPO-SUN-P2/SN-79/US

 Application No.
 PCT/JP03/081081

^{Deposit}
 Filing Date
 December 22, 2004

 Examiner
 to be assigned

 Customer No.
 44702

 Group Art Unit
 to be assigned

 Invention: **FOOD AND BEVERAGE PRODUCT FOR STIMULATING GASTROINTESTINAL MOTILITY**

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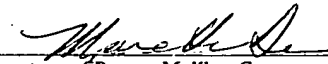
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Rec'd PCT/PTC 22 DEC 2004
KPO-SUN-P2/SN-79/US

Applicant(s): SUWA, Y. et al.

Application No. PCT/JP03/081081	Deposit Filing Date December 22, 2004	Examiner to be assigned	Customer No. 44702	Group Art Unit to be assigned
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(Identify type of correspondence)

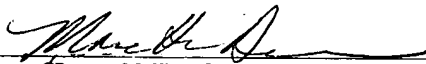
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Docket No.
DT01 Rec'd PCT/PTC 22 DEC 2004
KPO-SUN-P/5N-79/USApplication No.
PCT/JP03/081081~~Deposit~~
Filing Date
December 22, 2004Examiner
to be assignedCustomer No.
44702Group Art Unit
to be assigned

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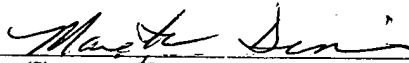
is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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Docket No.

KPO-SUN-P2/SN-79/US

Application No.

PCT/JP03/081081

Deposit
Filing Date

December 22, 2004

Examiner

to be assigned

Customer No.

44702

22 DEC 2004
Group Art Unit

to be assigned

Invention:

FOOD AND BEVERAGE PRODUCT FOR STIMULATING GASTROINTESTINAL MOTILITY

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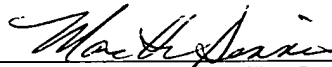
Applicant(s): SUWA, Y. et al.

Docket No.

KPO-SUN-P2/SN-79/US

Application No.
PCT/JP03/081081Filing Date
December 22, 2004Examiner
to be assignedCustomer No.
44702Group Art Unit
to be assignedInvention: Confirmation No. 1764
FOOD AND BEVERAGE PRODUCT FOR STIMULATING GASTROINTESTINAL MOTILITY

I hereby certify that the following correspondence:

Transmittal Letter to the United States Designated/Elected Office Concerning a Filing under 35 U.S.C. 371, enclosing
executed Declaration/Power of Attorney*(Identify type of correspondence)*is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37
CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 onMarch 31, 2005*(Date)*Manette Dennis*(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)*EV 501834000 US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**